

CALIFORNIA STATE PERSONNEL BOARD MEETING*
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

TWO-DAY BOARD MEETING - MAY 4-5, 2004

FULL BOARD MEETING MINUTES**

MAY 4, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Board Members Present:

Sean Harrigan, Member
Anne Sheehan, Member
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Laura Aguilera
Interim Executive Officer, State Personnel Board

The Board was advised of the following:

- A. The State Personnel Board appeared before the Assembly Budget Sub-committee on Wednesday, April 28, 2004. The Assembly voted to hold the Board's budget open to allow Finance and Legislative Analyst Office to consider the Board's request for reconsideration of the proposed budget

** The Minutes for the Board can be obtained at the following
Internet address: <http://www.spb.ca.gov/calendar.htm>

cuts. The Senate Budget Sub-committee #4 has scheduled the SPB budget hearing for Wednesday, May 5, 2004, at 1:30 P.M.

B. On Wednesday, April 29, 2004, Board Member, Anne Sheehan and SPB staff were invited to a meeting with various employee organizations. The informal discussion was well attended and afforded an opportunity to meet the new Board member and discuss issues of importance to the organization.

C. The Federal Equal Employment Opportunity Commission has requested California State Personnel Board's participation in a State Best Practices Project to identify and highlight programs which support the President's New Freedom Initiatives for employment of individuals with disabilities. The collaboration will enable California to highlight the SPB's Limited Examination and Appointment Program which has enabled the employment of over 4,000 persons with disabilities in the State civil service since its inception in 1984.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose, Chief Counsel

The Chief Counsel reported on the following:

A. State Personnel Board (SPB) v. Department of Personnel Administration (DPA)/California State Employee Association (CSEA) (Post and Bid) - SPB's brief is due on May 13, 2004. In the meantime SPB has responded to the Request for Judicial Notice filed by CSEA.

B. Monik Mitchell v. State Personnel Board - SPB staff counsel, Elizabeth Stein, appeared on the Board's behalf at a status conference in this case.

- C. Mitchell withdrew her appeal from discipline resulting in the Administrative Law Judge dismissing the case and then filed an action in superior court under Government Code section 18676.1, seeking to litigate her disciplinary action in that forum.

Other:

Chief Counsel Elise Rose and Matilda Bannerman-Richter, SPB's Director of State Employee Mediation Program, met with the General Counsel of the California Department of Corrections.

Chief Counsel Elise Rose attended a meet and greet with Anne Sheehan and unions in preparation for Ms. Sheehan's upcoming confirmation hearing.

Chief Counsel Elise Rose, addressed Chief Counsels of the Labor and Workforce Development Agency at their quarterly meeting.

4. REPORT ON LEGISLATION - Sherry Hicks

The Board was advised of the following:

- A. AB 2275 (Dymally), the Board's sponsored bill on Equal Employment Opportunity is on the suspense file in the Assembly Appropriations Committee.
- B. Board staff is working with the sponsors of AB 2408 (Yee), a bill that deals with the Dymally-Alatorre Bilingual Services Act, to come to agreement on language that will not require an additional workload on Board staff.
- C. The Interim Executive Officer and Director of Legislation for SPB met with legislative staff regarding issues on the Board's budget.

- D. A number of bills have been introduced based on the hearings conducted by Senators Romero and Speier. These bills are being tracked, as they may be amended and impact the Board.
- E. The Director of Legislation attended meetings with State and Consumer Services Agency and the Governor's Office regarding the legislative processes.

5. PERS REPORT - Sean Harrigan

The Board was advised of the following:

- A. The biggest challenge facing the CalPERS Board members is the health care crisis. Health plan costs have risen more than 50% in the last three years and the CalPERS Board is facing double-digit premium increases in all of the plans that it administers. Negotiations with the CalPERS administered Public Employees' Medical and Health Care program (PEMHCA) have taken place and will continue until the CalPERS Board makes its final decisions at the June meetings. The goal of CalPERS is to continue to provide quality health care services at affordable prices for the 1.2 million members and beneficiaries.
- B. The CalPERS Board is gravely concerned about escalating hospital costs and the impact these costs have on the overall health plan premium. In March 2004, the CalPERS Board directed staff to develop a regional pricing model for local public agencies, enter into negotiations with Sutter Health for a restricted hospital network, develop and price an alternative health benefit design option

legislation for improved hospital cost reporting. CalPERS hopes to send a message to the hospital industry that

structural changes need to be made in order to contain unsustainable costs.

- C. The Public Employees Retirement Fund earned a 23.3% return on its investments for 12 months ending 12/31/2003. It outperformed its benchmark by over 200 basis points. At the end of 2003, the fund stood at \$161 billion.
- D. CalPERS continues to move forward on its "R Street Project" which will eventually house CalPERS staff located in various office buildings in the downtown and Natomas areas. In February, CalPERS unveiled architectural designs for a 36 unit residential housing development along the R Street corridor in downtown Sacramento. The design plans call for building 3-story, single-family detached homes. Completion date is scheduled for late 2005, if approved by the city.

6. ORAL ARGUMENT

Oral Argument in the matter of CHRISTOPHER MIRAMONTES, CASE NO. 03-2299. Appeal from five-percent reduction in salary for six months. Department of Corrections.

Persons Participating:

Joe Barbara, Sr. Staff Counsel, California Department of Corrections (CDC), representing department

Tawni Olson, Attorney at Law, Goyette & Associates, representing appellant

7. HEARING - PSC 04-01 and 04-02

Appeal of the California State Employees Association (CSEA) from the Executive Officer's November 20, 2003 Denial of Jurisdiction over CSEA's Request to Review Contracts between the Department of Health Services (DHS) and Hubbert Systems Consulting, Inc. and IBM Corporation.

Persons Participating:

Timothy Ford, Sr. Staff Counsel, Department of Health Services, representing department
Harry Gibbons, attorney, California State Employees Association (CSEA), representing CSEA

8. ORAL ARGUMENT
Oral Argument in the matter of PAUL H. KEMP, CASE NO. 01-2841. Appeal from dismissal. Department of the Youth Authority.

Persons Participating:

Marguerite Seabourn, Assistant Chief Counsel, Department of Personnel Administration, representing the California Youth Authority
Catherine Kennedy, Attorney, CSEA, representing appellant

9. ORAL ARGUMENT
Oral Argument in the matter of KEVIN FRAZIER, CASE NO. 03-0736. Appeal from a one-step reduction in salary for six months. Department of Corrections.

Persons Participating:

Timothy Rossetti, Employee Relations Officer, CDC, representing department
Janice Shaw, Staff Legal Counsel, California Correctional Peace Officers Association (CCPOA), representing appellant

10. ORAL ARGUMENT
Oral Argument in the matter of NANCY SEARS, CASE NO. 02-2444. Appeal from two-step reduction in salary for 12 months and transfer/reassignment. Department of Corrections, Sacramento.

Persons Participating:

Dianne Robbins, Staff Counsel, CDC,
representing department
Janice Shaw, Staff Legal Counsel, CCPOA
representing appellant

11. ORAL ARGUMENT

Oral Argument in the matter of PHUONG VU,
CASE NO. 03-1145. Appeal from dismissal.
Department of Transportation.

Persons Participating:

Cristiana Rojas, Attorney, Department of
Transportation, representing department
Mark Teuton, Attorney, representing appellant

12. HEARING - OFFICE OF THE INSPECTOR GENERAL
(OIG)

Resolution to abolish eligible lists created
by the Office of the Inspector General and to
void two appointments.

Persons Participating:

Bret Morgan, Chief Deputy Director,
representing OIG; Phil Kalstrom, Selection
Manager, OIG; Sam Cochran, Deputy Inspector
General, OIG; Renee Encoyand, Correctional
Counselor II, Board of Prison Terms (former
OIG employee); Nancy Faszner, CPA, Deputy
Inspector General, OIG

ADJOURNMENT

CALIFORNIA STATE PERSONNEL BOARD MEETING*
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

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CONCURRENT BOARD MEETING MINUTES**

MAY 5, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Ron Alvarado, Vice President
Sean Harrigan, Member
Anne Sheehan, Member
Maeley Tom, Member

2. ORAL Argument in the matter of ROSIE L. DASHIELL, CASE
NO. 03-2279. Appeal from dismissal. California Highway
Patrol.

Persons Participating:

Martin Milas, Deputy Attorney General, Department of
Justice, representing the California Department of
Highway Patrol
Linda Kelly, Legal Counsel, California Union of Safety
Employees (CAUSE), representing appellant

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Internet address: <http://www.spb.ca.gov/calendar.htm>

BOARD ACTIONS

3. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY
MINUTES OF APRIL 20, 2004

ACTION: Adopted

VOTE: Alvarado, Harrigan, Sheehan, Tom - Aye

4. ACTION ON SUBMITTED ITEMS
(See Minutes Page 18-19)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

5. EVIDENTIARY CASES

On May 5, 2004 the Board adopted the following decisions, presented by Elise Rose, Chief Counsel, State Personnel Board.

VOTE: Alvarado, Harrigan, Sheehan, Tom - Aye

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO.
00-1687A

Appeal from denial of reasonable
accommodation

Correctional Lieutenant

California Rehabilitation Center - Norco

Department of Corrections

NO ACTION

LANA G. ANDREWS, CASE NO. 04-0316

Appeal from suspension

Officer

California Highway Patrol

ACTION: The Board adopted the
Administrative Law Judge's proposed
decision modifying five working days

suspension to two working days
suspension.

TIMOTHY BOBITT, CASE NO. 02-2856*

Appeal from suspension

Senior Special Agent in Charge

Department of Justice at Sacramento

ACTION: The Board adopted a precedential
decision denying appellant's motion to
dismiss and remanding matter for hearing
on the merits.

RICHARD COELHO, CASE NO. 02-1796R

Appeal from constructive medical termination

Fish and Game Warden

Department of Fish and Game

NO ACTION

RANDALL DODSON, Case No. 03-1587

Appeal from non-punitive termination

Caltrans Equipment Operator I

Department of Transportation

NO ACTION

CYNTHIA GEORGE, CASE NO. 03-2494

Appeal from suspension

Administrative Law Judge I

Unemployment Insurance Appeals Board

NO ACTION

THEODORE HUGHING, CASE NO. 03-0354

Appeal from Medical Termination

Food Service Supervisor I

Department of Developmental Services

ACTION: The Board adopted a non-
precedential decision granting appellant's
appeal from constructive medical
suspension and awarding back pay, interest
and benefits.

*Adopted as Precedential Decision(s) # 04-01

NOTE: Precedential Decisions of the State Personnel

Board can be obtained at the following Internet address:

www.spb.ca.gov under "Decisions."

MAMIE JONES, CASE NO. 02-4441
Appeal from ten-percent reduction
in salary for five months
Dispatcher Clerk with the
Department of Transportation
ACTION: The Board adopted a non-
precedential decision sustaining 10%
reduction in salary for five months.

NEIL MADDEN, CASE NO. 03- 1682
Appeal from five percent reduction in
salary for three months
Correctional Officer
Centinela State Prison - Imperial
Department of Corrections
NO ACTION

ALICE VAN-THU, CASE NO. 03-0413
Appeal from automatic resignation
Administrative Support Coordinator I
California State University - Monterey Bay
NO ACTION

BEVERLY WILSON, CASE NO. 03-1150A
Appeal from dismissal
Administrative Support Assistant II
California State University - Carson
NO ACTION

B. CASES PENDING

- Oral Arguments
These cases were on calendar to be
argued at this meeting or to be
considered by the Board in closed
session based on written arguments
submitted by the parties.

ROSIE L. DASHIELL, CASE NO. 03-2279
Appeal from dismissal
Public Safety Dispatcher I
California Highway Patrol.
ACTION: Submitted.

KEVIN FRAZIER, CASE NO. 03-0736
Appeal from a one-step reduction in salary
for six months
Correctional Officer
Department of Corrections
ACTION: The Board adopted the
Administrative Law Judge's proposed decision
modifying five-working-days suspension to
two-working-days suspension.

PAUL H. KEMP, CASE NO. 01-2841
Appeal from dismissal
Teacher Assistant - Youth Correctional
Reception Center - Sacramento
Department of the Youth Authority
ACTION: Submitted.

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in salary
for six months.
Special Agent
Department of Corrections.
ACTION: Submitted.

PHUONG VU, CASE NO. 03-1145
Appeal from dismissal
Transportation Engineer (Civil)
Department of Transportation.
ACTION: Submitted.

NANCY SEARS, CASE NO. 02-2444
Appeal from two-step reduction in salary
for 12 months and transfer/re-assignment
Department of Corrections, Sacramento
ACTION: The Board adopted the
Administrative Law Judge's proposed decision
modifying two-step reduction in salary for
12 months to an official reprimand and
revoking permanent transfer/reassignment.

C. CHIEF COUNSEL RESOLUTIONS

- Court Remands
These cases have been remanded to the

Board by the court for further Board action.

JACQUES HIRSCHLER, CASE NO. 02-1276
Appeal from dismissal
Chief Medical Officer
Deuel Vocational Institute - Tracy
Department of Corrections
ACTION: The Board adopted a resolution ordering the Department of Corrections to comply with October 7, 2003 decision.

ALEX LUJAN, CASE NO. 96-0550
Appeal from dismissal
Parole Agent I, (Adult)
Department of Corrections
ACTION: The Board issued a resolution denying appellant's request for order to show cause without prejudice.

- Stipulations
These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions
These are ALJ proposed decisions submitted to the Board for the first time.

PEDRO BARRA, CASE NO. 03-2690
Appeal from dismissal
Officer
California Highway Patrol
ACTION: Dismissal sustained.

MARY BASHAM, CASE NO. 04-0327
Appeal from five-working-days suspension
Student Services Professional II
California State University - Sonoma

ACTION: Five-working-days suspension sustained.

PHILLIP BROWN, CASE NO. 03-3341
Appeal from dismissal
Janitor
Employment Development Department
ACTION: Dismissal sustained.

RICHARD CAMPS, CASE NO. 03-1909
Appeal from two-working-days suspension
Special Agent Supervisor
Bureau of Narcotic Enforcement
Department of Justice
ACTION: Two-working-days suspension sustained.

RALPH COLUNGA Case No. 03-3042
Appeal from formal reprimand
Correctional Sergeant
California State Prison - Los Angeles
County
Department of Corrections
ACTION: Formal reprimand modified to a letter of instruction.

GARY CORNWELL, CASE NO. 00-0457
Appeal from dismissal
Officer
California Highway Patrol
ACTION: Dismissal revoked.

DANIEL DAVIS, CASE NO. 03-2055E
Appeal from denial of request for reasonable accommodation and of disability discrimination
Associate Administrative Analyst
Department of Housing and Community Development
ACTION: The Board issued a special resolution denying appellant's request for reasonable accommodation and disability discrimination.

RAMIRO DURAZO, CASE NO. 04-0170
Appeal from ten-work-days suspension

Officer
California Highway Patrol
ACTION: Ten-work-days suspension
sustained.

JACQUELYN MCCARVER, CASE NO.
Appeal from demotion
Correctional Sergeant
Rainbow Conservation Center - Fallbrook
Department of Corrections
ACTION: Administrative Law Judge's
proposed decision rejected by Board.
Board to decide case itself.

LEIJANE OGAWA, CASE NO. 03-2943E
Appeal from discrimination
Office Assistant (General)
Department of Transportation
ACTION: Administrative Law Judge's
proposed decision rejected by Board.
Board to decide case itself.

KARMEN PERRY, CASE NO. 03-2107
Appeal from five-percent reduction
salary for twelve months
Correctional Officer
Northern Transportation Unit - Tracy
Department of Corrections
ACTION: Five-percent reduction in salary
for twelve months modified to six-months.

NICOLE PRESTON-OWENS, CASE NO. 03-2100
Appeal from demotion
Program Technician II
Department of Housing and Community
Development
ACTION: Demotion sustained.

DONALD REVELS, CASE NO. 03-2370
Appeal from ten-percent reduction in
salary for twelve pay periods
Youth Correctional Counselor
Department of the Youth Authority
ACTION: Ten-percent reduction in salary
for twelve pay periods modified to six
pay periods.

SANDRA SALAZAR, CASE NO. 03-2538

Appeal from five-percent reduction
in salary for six months
Fire Apparatus Engineer
Department of Forestry and Fire
Protection

ACTION: Salary reduction sustained.

JANE SORIA, CASE NO. 04-0274

Appeal from official reprimand
Correctional Case Records Supervisor
Department of Corrections

ACTION: Official reprimand sustained.

FLOYD WALL, CASE NO. 04-0134

Appeal from five-percent reduction
in salary for three months
Correctional Sergeant

Richard J. Donovan Correctional Facility
- San Diego

Department of Corrections

ACTION: Salary reduction sustained.

HARVEY WHALEN, CAE NO. 03-2655

Appeal from a two-months suspension
Caltrans Heavy Equipment Mechanic
Department of Transportation

ACTION: Suspension sustained.

GARY S. WHALEY, CASE NO. 03-1420E

Appeal from discrimination

Employment Program Representative
Employment Development Department

ACTION: Administrative Law Judge's
proposed decision rejected by Board.
Board to decide case itself.

- Proposed Decisions Taken Under Submission
At Prior Meeting

These are ALJ proposed decisions taken
under submission at a prior Board meeting,
for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

NONE

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

DAVID FOX, CASE NO. 03-3458P

Appeal from dismissal

Stationary Engineer

Richard J. Donovan Correctional

Facility - San Diego

Department of Corrections

ACTION: Petition for rehearing filed by appellant denied.

MARTIN HERNANDEZ, CASE NO. 02-4449P

Appeal from demotion

Correctional Sergeant

Calipatria State Prison - Imperial

Department of Corrections

ACTION: Petition for rehearing filed by appellant granted.

MARIO SAENZ, CASE NO. 03-3102P

Appeal from non-punitive dismissal

Correctional Officer

California State Prison - Corcoran

Department of Corrections

ACTION: Petition for rehearing filed by appellant denied.

JEANNE M. THOMPSON, CASE NO. 03-2725P

Appeal from demotion

Senior Psychiatric Technician (Safety)

Department of Mental Health

ACTION: Petition for rehearing filed by appellant to be denied.

- Whistleblower Notice of Findings
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANDREW CIRNER, CASE NO. 03-2241E
Appeal from denial of request for
reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health
NO ACTION

NICHOLAS COMAITES, CASE NO. 03-0062
Appeal from official reprimand
Correctional Counselor II
Department of Corrections
AND

PAUL WARD, CASE NO. 03-0332
Appeal from official reprimand
Correctional Administrator
Department of Corrections
NO ACTION

SHANNON FROEMING, CASE NO.
03-2871E
Appeal from denial of request
for reasonable accommodation
Employment Program Representative
Employment Development Department
NO ACTION

RONALD GALI, CASE NO. 03-0462
Appeal from dismissal
Native American Spiritual Leader
Folsom State Prison - Represa
Department of Corrections

NO ACTION

MARY HUTTNER, CASE NO. 02-1690
Appeal from demotion
Staff Services Manager I to the
position of Associate Health Program
Advisor (top step)
Department of Health Services
NO ACTION

CONNIE JAMES, CASE NO. 03-3136
Appeal from 15-working days'
suspension
Accounting Technician
Employment Development Department
NO ACTION

CONNIE JOHNSON, CASE NO. 03-2620
Appeal from 30-calendar-days suspension
Employment Program Representative
Employment Development Department
NO ACTION

JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary,
benefits and interest
Supervising Cook
California Correctional Institution -
Tehachapi
Department of Corrections
NO ACTION

DONNA MARTINEZ, CASE NO. 03-2232
Appeal from dismissal
Material & Stores Supervisor I
Central California Women's Facility,
Department of Corrections
NO ACTION

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility -
Corcoran

Department of Corrections
NO ACTION

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health
NO ACTION

MARYLAND PAGE, CASE NO. 03-3703
Appeal from five-percent reduction in
salary for twelve-months
Correctional Officer
Ironwood State Prison - Blythe
Department of Corrections
NO ACTION

VIRGINIA PARKER, CASE NO. 03-0325
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison - Blythe
Department of Corrections
NANCY SEARS, CASE NO. 02-2444
Appeal from two-step reduction in
salary for 12 months and transfer/
reassignment
Parole Agent I (Adult Parole)
Department of Corrections - Sacramento
NO ACTION

NANCY VALENTINO, Case No. 03-0699
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services
NO ACTION

BOBBY WANG, CASE NO. 02-2684
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles
NO ACTION

6. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION

(See Minutes Pages 22-23)

7. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

On May 5, 2005, the Board adopted the following decisions presented by Laura Aguilera, Interim Executive Officer, California State Personnel Board.

VOTE: Alvarado, Harrigan, Sheehan, Tom - Aye

GINA BARBUTO, CASE NO. 03-1827
Correctional Officer
Department of Corrections
ACTION: DENIED

VLADIMIR BELTETON, CASE NO. 03-1504
Correctional Officer
Department of Corrections
ACTION: DENIED

JASON BURNS, CASE NO. 03-1843
Correctional Officer
Department of Corrections
ACTION: DENIED

JEFF HASKELL, CASE NO. 03-1826
Correctional Officer
Department of Corrections
ACTION: DENIED

REGINALD HODGES, CASE NO. 03-1755
Correctional Officer
Department of Corrections
ACTION: DENIED

ROSA LIMON, CASE NO. 03-1562
Medical Technical Assistant
Department of Corrections
ACTION: DENIED

MARIO MADUENO, CASE NO. 03-1735
Correctional Officer

Department of Corrections
ACTION: DENIED

ADAM ROMERO, CASE NO. 03-1869
Correctional Officer
Department of Corrections
ACTION: DENIED

GREGORY SHINN, CASE NO. 03-1409
Correctional Officer
Department of Corrections
ACTION: DENIED

MATTHEW TORRES, CASE NO. 03-1184
Correctional Officer
Department of Corrections
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS - NONE

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

C. EXAMINATION APPEALS - NONE
MINIMUM QUALIFICATIONS - NONE
MERIT ISSUE COMPLAINTS - NONE

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS
RULE 211 APPEALS - NONE

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

(Voided Appointment Case)

RACHEL CHATT, CASE NO. 02-3249
Office Assistant (Typing)
Department of Corrections
ACTION: DENIED

- E. REQUEST TO FILE CHARGES CASES - NONE
PETITIONS FOR REHEARING CASES - NONE
Investigated by Appeals Division staff.
The Board will be presented
recommendations by Appeals Division staff
for final decision on each request.

- F. PSYCHOLOGICAL SCREENING CASES - NONE
Cases reviewed by Appeals Division staff,
but no hearing was held. It is
anticipated that the Board will act on
these proposals without a hearing.

8. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY
ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

- (1) ASSISTANT DEPUTY DIRECTOR, CHILD
SUPPORT SERVICES DIVISION
The California Department of Child
Support Services proposes to allocate
the above position to the CEA
category. The Assistant Director,
Child Support Services Division is
responsible for formulation,
implementation and evaluation of DCSS
programs, policies and procedures.

- (2) DEPUTY DIRECTOR, ASSET MANAGEMENT
PROGRAMS
The California Housing Finance Agency
proposes to allocate the above
position to the CEA category. The
Deputy Director, Asset Management
Programs is responsible for making
policy decisions and recommendations
on all Agency asset management
issues.

(3) ASSISTANT DIRECTOR, HOMEOWNERSHIP
PROGRAMS

The California Housing Finance Agency proposes to allocate the above position to the CEA category. The Assistant Director, Homeownership Programs is responsible for advising and assisting the Deputy Director in planning, organizing, and directing the home ownership program.

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) CHIEF COUNSEL

The California Earthquake Authority's request to establish the above position to the CEA category has been approved effective April 7, 2004.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES).
Departments of Mental Health and Developmental Services.
(Hearing held December 3, 2002).

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

4. PSC NO'S 03-09 & 03-10
Appeal of the California Department of Insurance from the Executive Officer's August 15, 2003, disapproval of contracts with Strumwasser & Woocher and Bartko, Zankel, Tarrant & Miller, for legal services in response to the review request filed by California Attorneys, Administrative Law Judges and Hearing Officers (CASE).
(Hearing held February 10, 2004).

ACTION: On May 5, 2004, the Board issued a decision disapproving the disputed contracts.

VOTE: Alvarado, Sheehan, Tom - Aye
Board member Harrigan abstained.

5. PSC NO'S 04-01 and 04-02
Appeal of the California State Employees Association (CSEA) from the Executive Officer's November 20, 2003 denial of Jurisdiction over CSEA's Request to Review Contracts between the Department of Health Services (DHS) and Hubbbert Systems Consulting, Inc. and IBM Corporation.

ACTION: Submitted

6. OFFICE OF THE INSPECTOR GENERAL
Resolution to abolish eligible lists created by the Office of the Inspector General and to void two appointments.

ACTION: Submitted

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on May 5, 2004.

VOTE: Alvarado, Harrigan, Sheehan, Tom - Aye.

LAURA AGUILERA
Interim Executive Officer
California State Personnel Board